

personally. FED. R. CIV. P. 4(e)(2). Here, Plaintiffs concede that they have not successfully effectuated service upon Defendant personally. *See* ECF No. 8 ¶ 3.

Service is also properly effectuated if the plaintiffs follow “state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made[.]” FED. R. CIV. P. 4(e)(1). “Texas law authorizes service of process via registered or certified mail, with return receipt requested.” *Akiya v. Sutton*, 378 F. App’x 432, 434 (5th Cir. 2010) (citing TEX. R. CIV. P. 106(a)(2)). “The return receipt must bear the ‘addressee’s signature.” *Akiya*, 378 F. App’x at 434 (quoting TEX. R. CIV. P. 107). While Plaintiffs in this case claim that they mailed the summons and complaint to Defendant’s last known address via certified mail, return receipt requested, and that Defendant signed the return receipt, *see* ECF No. 8 ¶ 4, the return receipt attached as an exhibit to Plaintiffs’ notice shows that an agent, not Defendant, signed the return receipt, *see* ECF No. 8-4, at 2. Indeed, as Plaintiffs submit, it appears that the summons and complaint “were delivered to the front desk, reception, or mail room.” ECF No. 8 ¶ 4. Plaintiffs’ attempted service, therefore, was insufficient under FED. R. CIV. P. 4.

Finally, the Court does not ordinarily direct the U.S. Marshals to effectuate service unless the plaintiff is proceeding *in forma pauperis*. *See* FED. R. CIV. P. 4(c)(3) (emphasis added) (“At the plaintiff’s request, the court *may* order that service be made by a United States marshal[.] . . . The court *must* so order if the plaintiff is authorized to proceed in forma pauperis[.]”). Accordingly, Plaintiffs must continue their efforts to effectuate service. *See* TEX. R. CIV. P. 106.

It is so **ORDERED**.

SIGNED this October 15, 2021.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE